

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF DELAWARE**

KERRY JOHNSON and
SHARON ANDERSON,
on behalf of themselves and all
others similarly situated,

Plaintiffs,

V.

GOVERNMENT EMPLOYEES
INSURANCE COMPANY,
GEICO CASUALTY COMPANY,
GEICO GENERAL INSURANCE
COMPANY, and GEICO INDEMNITY
COMPANY,

Defendants.

C.A. No. 1:06-cv408 (JJF)

NON-ARBITRATION

TRIAL-BY JURY DEMANDED

CLASS ACTION

**CERTIFICATION OF COUNSEL
REGARDING RULE 16 SCHEDULING ORDER**

I, Christopher P. Simon, hereby certify that counsel for the Plaintiffs and Defendants have met and conferred pursuant to Fed. R. Civ. P. 26(f). In accordance with Fed. R. Civ. P. 26(f), Fed. R. Civ. P. 16 and D. Del. LR 16.1, the parties have agreed to the schedule attached hereto for this case, subject to the Court's approval.

Counsel is available if the Court has any questions or concerns.

Dated: November 9, 2007
Wilmington, Delaware

/s/ Christopher P. Simon
Christopher P. Simon (No. 3697)
CROSS & SIMON, LLC
913 North Market Street, 11th Floor
P.O. Box 1380
Wilmington, Delaware 19899-1380
(302) 777-4200

Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF DELAWARE**

KERRY JOHNSON and)	
SHARON ANDERSON,)	
on behalf of themselves and all)	
others similarly situated,)	
)	
Plaintiffs,)	C.A. No. 1:06-cv408 (JJF)
)	
)	
v.)	
)	
GOVERNMENT EMPLOYEES)	NON-ARBITRATION
INSURANCE COMPANY,)	
GEICO CASUALTY COMPANY,)	TRIAL-BY JURY DEMANDED
GEICO GENERAL INSURANCE)	
COMPANY, and GEICO INDEMNITY)	
COMPANY,)	CLASS ACTION
)	
Defendants.)	

RULE 16 SCHEDULING ORDER

The parties having satisfied their obligations under Fed. R. Civ. P. 26(f),

IT IS ORDERED that:

1. **Pre—Discovery Disclosures.** The parties will exchange by December 1, 2007 the information required by Fed. R. Civ. P. 26(a) (1) and D. Del. LR 16.2.
2. **Joinder of other Parties.** All motions to join other parties shall be filed on or before December 1, 2008.
3. **Discovery.**
 - (a) Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by May 2, 2008.
 - (b) Maximum of 60 interrogatories by each party to any other party.
 - (c) Maximum of 50 requests for admission by each party to any other

party.

(d) Maximum of 20 depositions by plaintiff(s) and 20 by defendant(s).

(e) Reports from retained experts required by Fed. R. Civ. P. 26(a) (2) are due from the plaintiff(s) by July 1, 2008; from the defendant(s) by September 1, 2008.

4. Class Certification.

(a) Plaintiffs shall file a motion and brief in support of class certification on or before December 1, 2008; Defendants shall file an answering brief to such motion on or before January 15, 2009; Plaintiffs shall file a reply in support of their motion on or before February 16, 2009.

5. Discovery Disputes.

(a) A party seeking discovery which the opposing party refuses to provide shall file a motion (no brief) pursuant to Rule 37 of the Federal Rules of Civil Procedure and Local Rule 37.1. Said motion shall not exceed a total of four (4) pages. An Answer to the Rule 37 motion, not to exceed four (4) pages, shall be filed within five (5) days of service of the motion. No reply is permitted.

(b) All papers shall set forth in a plain and concise manner the issue(s) in dispute, the party's position on the issue(s), and the reasons for the party's position.

(c) Upon receipt of the Answer, the movant shall notify Chambers by email at jjf_civil@ded.uscourts.gov that the parties have completed briefing.

(d) Upon receipt of the movant's email, the Court will determine whether a conference is necessary and advise the parties accordingly.

(e) There is no limit on the number of Rule 37 motions a party may file, unless otherwise ordered by the Court.

6. **Amendment of the Pleadings.** All motions to amend the pleadings shall be filed on or before February 15, 2009.

7. **Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure, shall be served and filed with an opening brief on or before December 1, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No case dispositive motion may be filed more than ten (10) days from the above date without leave of the Court.

8. **Applications by Motion.**

(a) Any applications to the Court shall be by written motion filed with the Clerk of the Court in compliance with the Federal Rules of Civil Procedure and the Local Rules of Civil Practice for the United States District Court for the District of Delaware (Amended Effective June 30, 2007). Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1. Briefs shall be limited to no more than ten (10) pages. The parties anticipate needing expanded page limitations for dispositive and class certification motions, and will submit any such request for consideration of the Court. Parties may file stipulated and unopposed Orders with the Clerk of the Court for the Court's review and signing. The Court will not consider applications and requests submitted by letter or in a form other than a motion.

(b) No facsimile transmissions will be accepted.

(c) No telephone calls shall be made to Chambers.

(d) Any party with a true emergency matter requiring the assistance of the Court shall email Chambers at: jjf_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency.

9. **Pretrial Conference and Trial.** After reviewing the parties' Proposed Scheduling Order, the Court will schedule a Pretrial Conference.

The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held within sixty (60) to ninety (90) days of the Pretrial Conference.

DATE

UNITED STATES DISTRICT JUDGE